

Message Text

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PM/DCA:JSALMON ERDA:MSCHNEIDER

,M/NPO:RTOYE S/P: JKALICKI

C:JKELLY IO/SCT: LCAVANAUGH

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TAGS:PARM, CCD

SUBJECT: CCD - NWFZ STUDY: GUIDANCE FOR THE U.S. EXPERT

REFS.: GENEVA 6321; GENEVA 6328-6335; GENEVA 6367

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1. U.S. EXPERT IS AUTHORIZED TO APPROVE TRANSMISSION OF EXPERTS' STUDY OF NWFZS WITH THE FOLLOWING ADDITIONS AND CHANGES:

(A). CHAPTER II REFERENCE TO CANAL ZONE QUESTION. AFTER SENTENCE REPORTED GENEVA 6328 PARA 3, ADD FOLLOWING SENTENCE: "THE UNITED STATES HAS REITERATED ITS VIEW THAT THE TREATY OF TLATELOLCO WILL APPLY TO THE CANAL ZONE WHEN JURISDICTION OVER THE ZONE IS RETURNED TO PANAMA UNDER THE NEW TREATY NOW BEING NEGOTIATED."

(B). CHAPTER IV, PARAGRAPH 14, TWICE REFERS TO "INTERNATIONAL WATERS." THIS TERM SHOULD BE CHANGED TO "HIGH SEAS," WHICH IS PROPER TERM USED ELSEWHERE IN STUDY. IT IS IMPORTANT THAT THIS PARAGRAPH PROTECT OUR POSITION ON TRANSIT OF TERRITORIAL SEAS. MOST DESIRABLE SOLUTION WOULD BE INCLUSION OF PHRASE "OR TERRITORIAL SEAS" IN FINAL

SENTENCE OF PARAGRAPH; I.E., "THE VIEW WAS ALSO EXPRESSED THAT WHILE NUCLEAR-WEAPON STATES COULD VOLUNTARILY UNDERTAKE THE COMMITMENT NOT TO TRANSIT WITH NUCLEAR WEAPONS ANY HIGH SEAS, STRAITS USED FOR INTERNATIONAL NAVIGATION, INTERNATIONAL AIRSPACE OR TERRITORIAL SEAS THAT MIGHT BE INCLUDED IN A ZONE,...". IF THIS NOT POSSIBLE, ALTERNATIVE ACCEPTABLE SOLUTION WOULD BE INSERTION OF NEW SENTENCE PRECEDING LAST SENTENCE AND READING: "OTHER EXPERTS STATED THAT THE PROVISIONS OF A NUCLEAR-WEAPON-FREE ZONE SHOULD NOT AFFECT THE RIGHT OF INNOCENT PASSAGE THROUGH THE TERRITORIAL SEA."

(C). CHAPTER IV, PARAGRAPH 17. U.S. VIEWS ON NON-USE ASSURANCES ARE ADEQUATELY REFLECTED WITH EXCEPTION OF POSSIBLE IMPLICATIONS OF NEGATIVE ASSURANCES FOR EXISTING POSITIVE ASSURANCES PROVIDED IN CONTEXT OF SECURITY TREATIES. TO MEET THIS POINT, FOLLOWING SENTENCE SHOULD BE ADDED TO END OF PARAGRAPH 17: "THE VIEW WAS EXPRESSED THAT ONE OF THE CONSIDERATIONS TO BE TAKEN INTO ACCOUNT IS WHETHER, IN SPECIFIC CASES, THE PROVISION OF NON-USE ASSURANCES COULD BE SEEN AS UNDERCUTTING EXISTING POSITIVE ASSURANCES."

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(D). CHAPTER VI, PARAGRAPH 10. THIS PARAGRAPH AGAIN RAISES TRANSIT QUESTION BY OMISSION OF REFERENCE TO RIGHT OF INNOCENT PASSAGE THROUGH TERRITORIAL SEA. DELEGATION SHOULD ADD SENTENCE ALONG FOLLOWING LINES: "THE VIEW WAS EXPRESSED THAT THESE PRINCIPLES ALSO INCLUDE THE RIGHT OF INNOCENT PASSAGE THROUGH THE TERRITORIAL SEA." SISCO

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